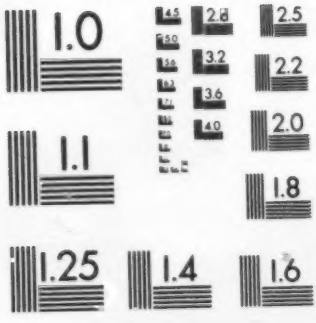

MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS
STANDARD REFERENCE MATERIAL 1010a
(ANSI and ISO TEST CHART No. 2)

DOCUMENT RESUME

ED 220 586 CE 032 668

TITLE	Statewide Guidelines on Program Accessibility for Persons with Disabilities.
INSTITUTION	Sonoma State Univ., Rohnert Park, CA. California Inst. of Human Services.
SPONS AGENCY	California State and Consumer Services Agency, Sacramento.
PUB DATE	Nov 81
NOTE	31p.; For related documents see CE 032 669-671.
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	*Accessibility (for Disabled); *Compliance (Legal); Disabilities; Educational Legislation; Equal Opportunities (Jobs); *Federal Legislation; Guidelines; Postsecondary Education; Secondary Education; Social Discrimination; *State Legislation; *State Programs
IDENTIFIERS	*California

ABSTRACT

These guidelines establish criteria and provide direction to California state agencies and department personnel on compliance with federal and state laws concerning the accessibility of programs for persons with disabilities. Section 1 summarizes legislative mandates and statewide policy. Section 2 overviews the purposes and objectives of these guidelines. Section 3 describes roles and responsibilities of the Office of Statewide Compliance Coordination, state agencies, state departments, and state employees and service recipients. In section 4, significant areas are discussed that state departments must execute to meet the intent of federal and state program access requirements: assurances of compliance, notification of non-discrimination, discrimination complaint procedures, program access to advisory committees, and evaluation of program accessibility. Section 5 focuses on compliance planning and evaluation. A program access plan is described in section 6. Appendixes include a glossary of terms and a list of departments having federal regulations, guidelines, or requirements. (YLB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

STATE OF CALIFORNIA

EDMUND G. BROWN JR. Governor

ED220586

STATEWIDE GUIDELINES
ON
PROGRAM ACCESSIBILITY
FOR
PERSONS WITH DISABILITIES

CE032668

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

✓ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

J HUTTULA

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

STATE AND CONSUMER SERVICES AGENCY

Alice Lytle, Secretary

Sacramento, November 1981

Published by

State and Consumer Services Agency

Office of Statewide Compliance Coordination
915 Capitol Mall, Room 235
Sacramento, CA 95814
(916) 323-6975 (voice or TDD)

Prepared under contract

by

California Institute on Human Services
Sonoma State University

STATEWIDE GUIDELINES ON PROGRAM ACCESSIBILITY

FOR PERSONS WITH DISABILITIES

Table of Contents

I. INTRODUCTION 1

A. Legislative Mandates 1

B. Statewide Policy 2

II. GOALS OF THE GUIDELINES 3

A. Purpose 3

B. Objectives 3

III. ROLES AND RESPONSIBILITIES 3

A. Office of Statewide Compliance Coordination 3

B. State Agencies 4

C. State Departments 4

D. State Employees and Service Recipients 5

IV. COMPONENTS OF COMPLIANCE 5

A. Assurances of Compliance 5

B. Notification of Non-Discrimination 5

C. Discrimination Complaint Procedures 6

D. Program Access Advisory Committee 8

E. Evaluation of Program Accessibility 9

V. COMPLIANCE PLANNING 20

A. Compliance Evaluations 20

VI. PROGRAM ACCESS PLAN 21

A. Preparation and Review 21

APPENDIX

A Glossary of Terms

B List of Departments Having Federal Regulations, Guidelines, or Requirements - August 1981

STATEWIDE GUIDELINES ON PROGRAM ACCESSIBILITY FOR PERSONS WITH DISABILITIES

November 1981

I. INTRODUCTION

A. Legislative Mandates

Over the last two decades federal and state laws, rules, policies and practices have progressively stressed assurances and defined actions concerning equal opportunity, treatment, and access to programs and activities that are funded, supported or sponsored by federal and state governments. In particular, two laws provide significant assurances and definitions of fair practices with regard to provision of opportunity and accessibility for disabled persons.

1. Federal Rehabilitation Act of 1973, Title V, Section 504 (PL 93-112) as amended (PL 93-516 and PL 95-602)

   As a recipient of federal funds, the State of California is required to comply with Title V, Section 504 of the Federal Rehabilitation Act of 1973. Section 504 mandates that all qualified people with disabilities will not be excluded from, denied the benefits of, or discriminated against solely on the basis of their disabilities, under any program or related activity that receives federal financial assistance.

2. California Government Code Sections 11135 through 11139.5, Article 9.5

   These sections mandate that no person in the State of California shall, on the basis of ethnic group identification, religion, age, sex, color, or disability, be unlawfully denied the benefits of or subjected to discrimination under any program or activity that is funded by or receives any financial assistance from the state.

The purpose of these two laws is to prevent denial of benefits or discrimination to qualified individuals. Both of these legislative mandates require funds or financial assistance be curtailed in whole or in part when such use is found to occur. Hence, the State of California either as an employer or as provider of benefits and services to employees, applicants and service recipients, shall not condone or encourage discrimination or denial of benefits to qualified persons with disabilities.

These statewide guidelines incorporate the intent and direction of federal and state laws, rules, policies and practices[1] and provide state departments with information on requirements and actions that relate to program accessibility for disabled employees and recipients of state services.

While these guidelines do not specifically address recipients of state financial assistance, state departments should recognize that the general requirements that are within these guidelines apply as well to the policies and practices of contractors, subcontractors, grantees, and local agencies that receive funds (directly or indirectly) from state departments.

B. Statewide Policy

Qualified people with disabilities are to be provided equal access to state employment, services and activities. No qualified person with a disability shall, solely on the basis of disability, be denied the benefits of, or be subjected to discrimination under any program or activity which is administered by or receives financial assistance from the state.

Effective implementation of this policy includes but is not limited to:

1. Ensuring that all applicants, employees, and service recipients have equal opportunity to receive benefits, services, and assistance;

2. Ensuring that discrimination against qualified persons with disabilities is not aided or perpetuated by providing state financial assistance, support, or sponsorship to agencies, organizations, or persons that discriminate on the basis of disability in administration of employment policies and practices or provision of services;

3. Administering programs in the most integrated setting appropriate to the needs of applicants, employees, and service recipients;

---

[1] In order to ensure a federal department's specific areas of responsibility are effectively covered and to ensure standardized implementation nationally, each federal department that promulgates regulations and disburses funding is mandated to establish regulations on implementation and compliance with Section 504. As of August 1981, some federal regulations remain to be issued. Of the approximately 34 sets of regulations, guidelines or requirements that have been effected, considerable similarity exists. However, to ensure compliance with special, specific requirements, a state department may need to reference the regulations of those federal departments that historically have provided it financial assistance. Reference Appendix B, List of Departments having Federal Regulations, Guidelines or Requirements, August 1981.

Different or separate assistance shall not be provided to individuals with disabilities or classes of people with disabilities unless such action is clearly necessary to provide assistance as effective as that provided to others.

4. Ensuring that communications with applicants, employees, and service recipients are effectively conveyed to those having disabilities;

   Equal opportunity to participate in state department programs and activities assumes access to information about the existence of such opportunities. The media used to communicate with applicants, employees, and service recipients are to be functional for all persons including those with hearing, vision, and speaking impairments.

5. Providing appropriate support assistance or use of auxiliary aids to qualified applicants, employees or recipients with impaired sensory, manual, or speaking skills where a refusal to do so would impair or exclude equal and/or effective participation.

II. GOALS OF THE GUIDELINES

A. Purpose

The purpose of these guidelines is to establish criteria and provide direction to state agencies and departments on compliance with federal and state laws concerning the accessibility of state programs for persons with disabilities.

B. Objectives

The objectives of these guidelines are to ensure that:

1. The state complies in a cost-effective and equitable manner with federal and state laws, rules, policies, and practices on non-discrimination in the provision of program accessibility to qualified disabled employees, applicants, and recipients of state funded programs and services, and

2. State departments evaluate, plan, and effect provision of program accessibility using a systematic and standardized process.

III. ROLES AND RESPONSIBILITIES

A. Office of Statewide Compliance Coordination (OSCC)

The OSCC facilitates compliance of state departments with federal and state legislation relating to efficient and cost-effective provision

of program accessibility for qualified persons with disabilities.

The major responsibilities of the office are:

1. Directing, monitoring, and evaluating statewide compliance efforts for adequacy and consistency;

2. Initiating policies that ensure achievement of federal and state compliance mandates;

3. Providing technical assistance to state departments;

4. Serving as a liaison between federal and state agencies and departments, local governments, and community organizations.

B. State Agencies

State Agencies are to initiate actions and procedures to ensure that departments effectively and uniformly meet the requirements of these guidelines. Responsibility for achieving and maintaining equal program access is vested within respective Agency and Department heads.

C. State Departments

State departments are responsible for:

1. Designating a program access coordinator and providing the name, address, and telephone number of the person designated to OSCC;

2. Establishing a departmental policy on equality of program accessibility for persons with disabilities;

3. Evaluating the department's status on provision of program accessibility;

4. Preparing a plan to address any deficiencies in program accessibility and having the plan available for public review;

5. Establishing a Program Access Advisory Committee (PAAC) to advise and assist in identifying efficient and cost-effective methods that will facilitate achievement of full accessibility to department programs and activities;

6. Monitoring and periodically reviewing the department's compliance efforts and status to meet program accessibility requirements;

7. Requesting, whenever appropriate, assistance from OSCC and other entities which can facilitate the department's efforts to ensure compliance;

8. Submitting, upon request from OSCC, a report on the department's compliance efforts and status.

D. State Employees and Service Recipients

State employees and recipients of state services should support the policy for providing accessible programs and related activities by assisting in the identification and resolution of accessibility issues.

IV. COMPONENTS OF COMPLIANCE

The following are the significant areas that state departments must effect in order to meet the intent of federal and state program access requirements.

A. Assurances of Compliance

1. Federal Departments

When a state department applies to a federal department for financial assistance, the application shall include a written assurance that the department will comply with that department's regulations on implementing Section 504. The requirements for a written assurance include those situations where a department receives continuing federal financial assistance but does not make periodic applications for such assistance.

Each assurance must include notice that the federal government has the right to seek judicial enforcement of the assurance.

2. State Departments

When an entity (contractor, subcontractor, grantee, or local agency) applies to a state department for financial assistance, the application must include a written assurance that the entity will comply with state laws, rules, policies and practices relating to Section 504 and State Government Code Sections 11135 - 11139.5.

Copies of the content and format of these assurances may be obtained from the Office of Statewide Compliance Coordination, 915 Capitol Mall, Room 235, Sacramento, CA 95814, (916) 323-6975 (voice or TDD).

B. Notification of Non-Discrimination

Each state department must routinely notify the following groups that within its programs and related activities the department does not permit discrimination against qualified individuals on the basis of disability:

1. Applicants

2. Employees

3. Service recipients

4. Organizations with whom the department holds collective bargaining contracts or similar employee-employer related agreements.

5. Contractors, subcontractors, grantees, and local agencies to which the department provides financial assistance.

Notices of non-discrimination are to identify the names and addresses of department personnel who administer complaints based on disability that are filed with the department.

Methods of notification may include posting of notices, publication in print media (both public and interdepartmental), and other written communications. Such methods must include media that are effective for individuals with hearing and visual impairments.

C. Discrimination Complaint Procedures

1. Intent

Each department must have a discrimination complaint procedure available to employees, applicants, service recipients or their representatives who seek redress for any action, decision, policy, or condition which they believe constitutes past or present discrimination on the basis of disability. The intent of this procedure is to:

a. Assure uniform methods for lodging and resolving complaints,

b. Assure that allegations and complaints receive prompt, impartial attention,

c. Provide the specialized expertise needed for fair handling of the sensitive issues involved in allegations of discrimination based on disability, and

d. Resolve complaints, whenever possible, in an informal manner and at the lowest possible organizational level while assuring that each complaint receives full, impartial consideration and appropriate resolution.

2. Scope

Complaints may pertain to policies and practices concerning employment, services, or facilities over which the department has administrative control or to such policies and practices on the part of another entity to which the department provides financial assistance.

3. Essential Elements

The department's discrimination complaint procedures must include the following elements:

a. Defined steps for handling complaints within the department and time limits for processing complaints at each step. The number of steps should be kept to a minimum. The total time allowed before a final decision is made, at the highest administrative level within the department, should be no more than 180 calendar days,

Those complaints that are not within the jurisdiction of the appointing power to resolve are to be forwarded directly to the appropriate entity, and notice of such forwarding is to be made to the complainants,

b. Methods for assuring investigators' access to relevant records and for documenting information obtained in the process of investigating complaints, and

c. A system to recognize and effect the most appropriate remedies for valid, formal complaints.

Existing employee-related discrimination complaint procedures may serve as models for departments to establish similar procedures for its service recipients or for those complaints from employees and service recipients of entities to which the department provides financial assistance.

Persons who allege discrimination under Section 504 of the Rehabilitation Act of 1973 are allowed, under regulations implementing the Act, to file complaints directly with the federal department which provides financial assistance to the organization within which the discrimination was alleged to occur. Such complaints may by-pass other administrative complaint procedures established at the state or local level. However, a parallel file, review and decision by both the state and federal discrimination systems on a cause of action arising out of the same set of facts is not allowed.

Additionally, federal courts have held that persons with complaints of discrimination under Section 504 have a private right of action and do not have to exhaust administrative remedies at the state or federal level, especially when the complainant can show administrative failure to provide prompt and fair resolution of complaints.

D. Program Access Advisory Committee (PAAC)

1. Purpose

The department should establish a Program Access Advisory Committee to provide advice and assistance in identifying cost-effective and efficient methods to bring the department into full program accessibility status.

2. Roles and Responsibilities

The PAAC's responsibilities should include the following:

a. Advice and assistance during the department's evaluation of its compliance status,

b. Assistance in preparing the department's program access plan, and

c. Assistance in effective implementation of the program access plan.

3. Eligibility/Composition

PAAC membership should include department employees, service recipients, and others with pertinent knowledge and experience. The department's Disabled Advisory Committee may serve as a resource for PAAC members.

a. The PAAC composition should include individuals who:

1) Have and represent persons with disabilities,

2) Have and represent persons from a variety of cultural, ethnic and economic backgrounds, and

3) Represent the geographic areas in which department services are delivered.

b. Members of the PAAC should include individuals who have:

1) Knowledge of cost-effective methods for accommodating the special needs of persons with disabilities,

2) Knowledge of state and federal laws, rules and policies pertaining to equal opportunity and non-discrimination,

3) Knowledge of state laws, rules and policies on employment administration and provision of services,

4) Knowledge of federal and state architectural standards and requirements, and

5) Knowledge of and sensitivity to employment and service issues affecting disabled persons from various cultural, ethnic and economic backgrounds.

In order to make maximum use of its collective expertise, a committee should be assembled prior to the department's initiation of the compliance evaluation process. The department should advertise its need for members for a Program Access Advisory Committee. Interested persons should send applications and resumes to the director of the department or to the department's program access coordinator.

E. Evaluation of Program Accessibility

To ensure legal mandates are met, each state department is to conduct an evaluation of the extent to which its programs are accessible to qualified persons with disabilities. This evaluation is to include a review of department policies and practices in three major areas: employment administration, service administration, and facility access. The evaluation is to be directly correlated with those programs and activities that are essential to the fulfillment of a department's purpose and mission. If this evaluation identifies inequitable opportunities or treatment, then the department must prepare a plan to transition its programs into full accessibility status.

In addition, each department's program access evaluation process as well as the preparation of the plan for achieving full compliance status shall involve the participation of individuals with disabilities, their organizational representatives, and other interested parties. The PAAC may serve as the resource for meeting this requirement.

The Office of Statewide Compliance Coordination, 915 Capitol Mall, Room 235, Sacramento, CA 95814, (916) 323-6975 (voice or TDD) has available comprehensive information for organizing and performing evaluations and for the completion of a program access plan.

1. Employment Administration

Policies and practices concerning employment must not limit, segregate or classify applicants, candidates, or employees in any manner that adversely effects their opportunities or status solely on the basis of disability. This prohibition against discrimination applies to the full range of employment practices including recruitment, selection, placement, employment, and health and safety. The State Personnel Board (SPB) administers the laws and rules of the state merit system. The SPB may be consulted when a department finds it necessary to evaluate its employment policies and practices and to make modifications in order to ensure its programs are accessible to persons with disabilities.

a. Recruitment of Personnel

Within those activities the department performs or contracts for relating to recruitment of persons for state employment, individuals with disabilities are not to be arbitrarily excluded. Recruitment activities such as pre-employment testing, pre-employment job orientations, sharing of job information materials or other related application and employment eligibility determination processes are not to prohibit participation by qualified persons with disabilities.

Those methods used to convey and present employment related information are to be equally effective in communicating with individuals having sensory, manual, or speaking impairments. Recruitment advertising must contain a written statement of non-discrimination concerning employment of persons with disabilities.

b. Employment Selection

Activities that are the responsibility of a state department to perform in order to select qualified persons for department employment are not to prohibit the selection of qualified persons with disabilities. Selection activities include but are not limited to criteria for and methods of testing, selecting, and measuring the performance capabilities of applicants and candidates for employment. Department selection policies and practices cannot have the effect of denying qualified persons with disabilities the opportunity to compete for employment eligibility.

1) Applicant/Employee

a) Reasonable Accommodation

To ensure equal opportunity to compete in examining and other elements of employment selection, reasonable accommodation is to be provided disabled applicants, candidates, or employees who have individualized needs such as specialized equipment accommodation, facility design, and/or support services. (Reference SPB policy on special testing arrangements and Affirmative Action for Disabled Guidelines.)

The department is to have an established policy and process on determining and providing reasonable accommodation to the individualized job-related needs of qualified applicants, candidates and employees with disabilities. The department should also have procedures for determining and reviewing whether a request for accommodation of a qualified applicant's disability represents an undue hardship on the department. The procedure must consider overall size of the department

(number of employees, size and type of facilities, size of budget), the type of program operation, including composition and structure of work force, and the nature and cost of the accommodation needed.

2) Employment Application Forms

Employment application forms should allow applicants to identify whether specialized accommodation (e.g., reader, marker or interpreter services) is needed for equal participation within the employment testing processes.

3) Testing and Hiring Actions

Testing methods, selection criteria and performance measurements are based upon the essential job-related functions of the classification/position(s).

a) Employment Eligibility and Admission Tests

A department may not use employment tests that tend to screen out persons with disabilities unless the tests are clearly job-related or unless it can be demonstrated that alternative job-related tests which screen out fewer people with disabilities are not available.

Tests are to be adaptable and adapted, when appropriate, for people who have impaired sensory, manual, or speaking skills.

In summary, the issue of employment selection criteria is not one based solely on whether the testing criteria tend to screen out people with disabilities; the issue also considers whether the criteria discriminates against persons with disabilities by measuring aspects which are not directly related to the performance demands of the respective classifications or job assignments.

b) Pre-employment inquiries

Unless as noted within this section, departments may not require a medical examination during the pre-employment phase, ask whether the applicant is disabled, or ask about the nature or severity of a disability. Such inquiries include information solicited through interviews, application forms, letters of recommendation, or any other means.

Pre-employment inquiries about the applicant's ability to perform the essential functions of the job are permissible.

Although medical examinations are prohibited during the pre-employment phase, departments are not prohibited from conditioning an offer of employment on the results of a medical examination provided that:

(1) All candidates for employment are subjected to the requirements.

(2) The medical examination is a specific and objective functional assessment that addresses residual capacity for performing work or training and is performed by a physician qualified to make such an assessment.

(3) The results are used to determine employability, appropriate placement, and/or reasonable accommodation and not to screen out qualified applicants and employees.

(4) The results of the medical examination are the last factor that is evaluated before an offer of employment is made.

(5) The results of the medical examination are transmitted to the employing official and the applicant at the same time and only after a conditional decision to make a job offer has been made.

(6) The results of the medical examinations are collected and maintained on separate forms and kept confidential. Such confidentiality may be shared only to provide relevant information to the following individuals:

(a) Supervisors and managers who need to know about restrictions on the work of disabled employees and any necessary accommodations,

(b) First aid and safety personnel if the employee's disability might require specialized emergency assistance, and

(c) Government officials investigating compliance with federal and state regulations regarding non-discrimination.

c) Employment Eligibility/Admission Interview Techniques

Interview techniques and processes are to equally address each applicant's eligibility, performance capabilities, experiences and qualifications. Direct or indirect inquiries concerning an applicant's disability or its severity are not to be made unless such inquiries are relevant to meeting individualized needs.

c. Employment Placement

1) Job Assignments

The department shall not have job assignments or classes set aside for employees with disabilities, or work space for their exclusive use which in any way adversely effects their employment opportunities or status.

2) Subject to Proper Placement

In determining the appropriate, non-discriminatory job assignments for individuals with disabilities who require reasonable accommodation and/or who have been placed on eligible lists as "subject to proper placement", consideration is to be given to modifying work hours and/or changing the performance and responsibilities of non-essential job duties. Consideration is to be given to the capabilities of performing assignments on a full-time, part-time and permanent-intermittent basis.

d. Employment

1) Changes in Job Status

Criteria for offering and approving classification/position changes are not to limit the eligibility of qualified candidates with disabilities. Classification/position changes include those generated by transfer, reinstatement, rehires, separation, tenure, layoffs, demotion, promotion, or training and development assignments.

2) Job Qualifications

When the department applies job qualifications to effect changes in job status (e.g., transfers, reinstatements, rehires, separations, tenure, layoffs, demotions, promotions, training and development assignments) the qualifications used must be related to the specific job(s) and must be consistent with job performance requirements, business necessity, and safe practices.

Statements on job qualifications are not to contain language that prohibits eligibility status solely on the basis of having a specific type of disability. The department should periodically review job specifications/descriptions to ensure that job qualifications are related to the performance of the job, business necessity, and/or safe practices.

3) Employee/Employer Relations

Policies and practices concerning department sponsored activities, including social and recreational activities, are not to prohibit participation by employees and other persons with disabilities.

Agreements with employee organizations are not to prohibit equal opportunity and participation by qualified persons with disabilities.

4) Employee Assessments

The department's employee assessment systems address only job-related performance criteria specific to the position and/or classification. Employee assessment systems include probationary reports and periodic employee performance and promotional evaluations.

5) Compensation

Different levels of pay for employees with disabilities are not to be in effect solely on the basis of disability. Employees with disabilities are not to be offered a different amount of compensation because of any disability related income the employee may receive from another source.

6) Benefits

Employees are not to be given a reduced scope of employment benefits on the basis of disability.

7) Leaves of Absence

Criteria and methods used to determine and approve leaves of absence and reinstatement of persons from leaves of absence are not to deny equitable consideration or treatment of persons with disabilities.

8) Employment Documents

Employment related documents including registration and transactional forms are not to identify in a discriminatory manner the names of individuals with disabilities.

9) Training

Training programs are to be designed and presented to allow equal participation by persons with disabilities. Training programs include those presented as employee orientation, formal courses, and on-the-job orientations.

10) Employee Assistance Programs

Employee assistance programs are to allow equal participation by and treatment of employees who have or incur job related and non-job related disabling injuries or illness.

11) Affirmative Action

Affirmative Action program components are to include a plan for the recruitment and employment of persons with disabilities, goals and timetables for employment, establishment and maintenance of a Disabled Advisory Committee, and establishment of a policy on non-discrimination. (Reference SPB Affirmative Action for Disabled Guidelines.)

e. Health and Safety

Department emergency services and procedures, including emergency procedure training for personnel are to cover specialized, individualized consideration of employees with disabilities.

2. Administration of Services

Policies and practices concerning provision of services are not to limit, segregate or classify applicants or recipients in any way that adversely effects the quality and level of services solely on the basis of disability. Different or separate assistance can be provided to individuals with disabilities if such is necessary to provide assistance as effective as that provided others. The prohibition against discrimination applies to the full range of state services including community relations, service selection, service provision, and service evaluation.

a. Community Relations

1) Notifications

The department is to distribute to its service recipients and contractors periodic written notices that it does not discriminate against qualified persons with disabilities.

Notifications may include posting notices, statements in agreements and contracts, publications in newspapers, notices in department publications, letters, memos, etc. The methods of conveyance and presentation used to disseminate the notifications are to ensure persons with sensory, manual, or speaking impairments are not denied equally effective notification as is provided others.

a) Property Transactions

Department agreements or contracts that concern real property or interest in property are to contain a statement that assures non-discrimination toward persons with disabilities.

Such assurances remain in effect throughout the time frame of the contracts or use of the properties.

2) Documentation

Documents used by the department concerning provision of services to service recipients are not to identify in a discriminatory manner the names of individuals with disabilities.

3) Communication Systems

The department's communication systems include methods for effectively communicating with applicants for services, service recipients, and volunteers who have impaired vision, hearing, and speech. This system includes the availability of telecommunication devices and printed materials for persons with sensory and visual impairments.

a) Public Announcements and Materials

Communication methods and presentation techniques include those used in public service announcements and informational materials, instructional settings, learning settings, emergency settings, reception and pre-service or care settings.

4) Recipient Accommodation

The department is to establish a written policy and process on determining and providing accommodation to the individualized service delivery related needs of qualified applicants and recipients. Provisions of accomodation may include but are not limited to pre-registration and registration, pre-licensing and licensing, testing arrangements, specialized equipment accommodation, and support service assistance.

Additionally, the department should have procedures for determining and reviewing whether a request for accommodation of a qualified applicant or recipient for services represents undue hardship on the department. The procedure must consider the overall size of the department (number of employees, size and type of facility, size of budget), the type of program operation, including composition and structure of work force, and the nature and cost of the accommodation needed. (Reference SPB Procedures on Reasonable Accommodation and Special Testing Arrangements.)

b. Service Selection

1) Admissions/Eligibility Standards and Requirements

The department is not to have academic or eligibility requirements for services that have the effect of discriminating against qualified persons with disabilities.

2) Background Investigations

Health questionnaires, personal background investigation reports or other such inquiries are to request only identification and assessment of service-related factors and performance capabilities. Inquiries are not to be made

regarding a persons's disability or its severity unless the inquiry is specifically designed to meet the service provision needs of the person with a disability.

3) Applications for Services

Application forms for services should allow applicants to identify whether specialized accommodations may be needed for equal participation in testing processes.

Application forms include those used in pre-registration, registration, pre-licensing, licensing, and examining situations.

4) Testing Instruments

Tests that are used for eligibility and admission by the department should have no record of an adverse effect on persons with disabilities, should have been validated to ensure that they do not have adverse effects on persons with disabilities, or should have less adverse effects than other tests currently available.

5) Testing, Selection, and Performance Criteria

Testing methods, selection criteria, and performance measurements are not to adversely effect the opportunity for admission, eligibility, or performance of qualified persons with disabilities.

a) Interview Techniques

Interview techniques and processes are to equally address each applicant's eligibility, performance capabilities, experiences and qualifications. Direct or indirect inquiries concerning an applicant's disability or its severity are not to be made unless such inquiries are relevant to meeting individualized needs.

6) Eligibility/Admissions Lists

Lists maintained by the department pertaining to recipients of services are not to have the effect of discriminating against persons with disabilities.

As it is with other applicants and service recipients, the department is not to have a policy or procedure which applies limitations upon the number or proportion of services that qualified persons with disabilities may receive.

c. Service Provision

1) Consent/Releases

When written notices of consent/release are requested from service recipients, the methods and forms used should ensure effective notice to persons with speaking or sensory impairments.

2) Service Setting

Services to persons or classes of persons with disabilities are to be administered in the most socially integrated setting that is appropriate to the needs of qualified recipients. Services to qualified persons with disabilities are to be as effective as those provided to others who are not disabled

3) Counseling

Services which involve counseling are not to direct individuals with disabilities away from opportunities even if historically such opportunities have been and currently may be more limited for persons with disabilities than those without disabilities.

4) Recipient Training Programs

Training programs for recipients of the department's services are designed and presented to allow equal participation by persons with disabilities.

5) Service Specifications

Specifications or standards on services that are provided by the department are not to arbitrarily nor discriminatorily exclude persons with disabilities.

6) Transfers

Procedures or standards by which eligibility for transfer of services is determined, approved, and used are to provide equal opportunity for qualified recipients with disabilities.

7) Reinstatements

Criteria for offering and approving reinstatement of services are not to limit the eligibility of qualified persons with disabilities.

8) Compensation

Qualified service recipients with disabilities are not to be provided less compensation solely on the basis of disability.

9) Benefits

Service recipients are not to be given a reduced scope of benefits on the basis of disability.

10) Client Assessment Systems

Client assessment systems are to address only client related and service provision performance criteria concerning the particular needs of the client or client group. Such assessment systems include probationary reports, periodic performance and status evaluations.

11) Service Termination Procedures

The department's policies and practices regarding termination actions are not to have the effect of discriminating against recipients with disabilities.

12) Department Sponsored Activities

Policies and practices concerning department sponsored activities for potential and actual clients, including social and recreational activities, are not to prohibit participation by persons with disabilities.

d. Evaluation

The department's evaluations or surveys of service recipients, service providers, or any program, project, or product sponsored or assisted by the department are not to arbitrarily exclude the participation of persons with disabilities.

e. Health and Safety

Emergency services and procedures, including training of service recipients, are to include specialized, individualized consideration of recipients with disabilities.

3. Facility Access

Policies and practices on purchasing, leasing, and use of facilities are not to limit or segregate accessibility by persons with disabilities. All actions concerning the design and use of state facilities or state-funded facilities must be in compliance with state and federal regulations, standards and requirements. The State Department of General Services is the agency that administers state architectural regulations

and is to be consulted when a department finds it necessary to evaluate its facilities and/or request architectural modifications in order to ensure its programs are accessible to persons with disabilities.

When evaluating the accessibility of facilities, three major areas should be reviewed:

a. Facility Approach - The paths of travel that lead to entrance and exit areas of the facility and those connecting the facility to adjacent structures or activity areas;

Evaluation categories should include parking, passenger loading zones, ramps, outside routes, outside assembly and performing areas, elevators and platform lifts, doors and gates, stairs, control and operating mechanisms, handrails and handgrips, alarms and hazard warning signals, public telephones and drinking fountains;

b. Public Trafficked Areas - Entrance and exit areas and common paths of travel between the facility approach and internal program areas;

Evaluation categories should include doors and gates, inside routes, ramps, inside assembly and performing areas, elevators and platform lifts, stairs, control and operating mechanisms, handrails and handgrips, restrooms, alarms and hazard warning signals, public telephones, drinking fountains, and windows;

c. Internal Program Access - Areas utilized by employees and service recipients when they are engaged in program activities;

Evaluation categories should include inside routes, office space, ramps, doors and gates, elevators and platform lifts, stairs, control and operating mechanisms, handrails and handgrips, restrooms, alarms and hazard warning signals, drinking fountains and windows.

V. COMPLIANCE PLANNING

A. Compliance Evaluations

If an evaluation of the department's programs and activities identifies deficiencies in equal opportunity and treatment of persons with disabilities, the following criteria may be used to determine the priority order for addressing deficiencies and preparing a program access plan:

1. Current overall accessibility of a respective program element,

2. Relative importance of the respective program element to the fulfillment of the department's mission,

3. Construction dates of facilities, dates of scheduled alterations, dates of lease renewals, ownership of facilities, and overall percent of state occupancy,

4. Numbers of persons employed and recipients served within a respective program element,

5. Methods of delivering services to recipients, and/or

6. Relative effect any modification and the expenditure for it will have on the access of an individual program element and on the whole of the department's program accessibility.

   To determine the most appropriate modifications that will bring a particular program element into full accessibility status, consideration should include the following options:

   a. Change in policy or practice,

   b. Redesign or arrangement of equipment,

   c. Reassignment of classes or services to accessible sites,

   d. Assignment of support services,

   e. Provision of assistive devices,

   f. Alterations to existing facilities, and/or

   g. Acquisition of other facilities.

VI. PROGRAM ACCESS PLAN

A. Preparation and Review

Each department is to submit a program access plan to the Office of Statewide Compliance Coordination. The department's program access plan will be reviewed by OSCC to ensure that it meets state and federal compliance requirements and that the following is included within the plan:

1. Goal and objectives of the plan,

2. Federal departments that historically provide financial assistance to the department,

3. Persons and organizations who served as planners, evaluators, advisors, and approval authorities in preparing the department's program access plan,

4. Major approval authorities and major implementors of the program access plan,

5. Current accessibility status of the department, and

6. Actions, time frames, and responsible persons, or other entities involved in implementing the specific steps of the plan.

Program access plans may be periodically audited by the Office of Statewide Compliance Coordination. Such audits shall include review of plan effectiveness and its compliance to laws, rules, policies and practices.

APPENDIX A

Glossary

The terms listed in this glossary are defined or interpreted according to usage in the context of the Statewide Guidelines on Program Access for Persons with Disabilities, August 1981.

Benefit
Anything that contributes to or is an improvement in condition.

Contract
Any written agreement enforceable by law with specified considerations on whether to perform or not to perform a particular act or actions.

Contractor
A person or agency which receives federal or state financial assistance through a contract or subcontract.

Disabled Advisory Committee
A committee that reports to the head of the department and provides the Affirmative Action Officer and other affirmative action team members advice and assistance that will ensure equal employment opportunity for disabled persons and achieve a work force where disabled persons are equitably represented by salary and job category throughout the department. The committee is composed of persons with disabilities.

Disability
A condition of impairment, physical or mental, having an objective aspect that can usually be described by a physician.

Financial Assistance
Any grant, entitlement, loan, agreement, contract, or other arrangement by which an agency receives or provides or otherwise makes available aid to recipients in the form of funds, services, personnel, or real or personal property or any interest in or use of such property including transfers or leases of property for less than fair market value or for reduced consideration of proceeds from a subsequent transfer or lease of property if the State share of its fair market value is not returned to the State.

Individual(s)/Person(s) with Disability
Anyone who has a physical or mental impairment which substantially limits one or more of such person's major life activities; has a record of such impairment; or is regarded as having such impairment.

Local Agencies
A public district, corporation, authority, agency, board, commission, county, city, city and county, school district, or other public entity.

Program Access/Accessibility
Equality of opportunity and treatment to participate in and receive the benefits of programs or activities that are essential to the provision and fulfillment of an entity's purpose/function/mission.

Program Access Advisory Committee
An organized group of persons formed to advise on the preparation and implementation of a department's program access plan.

Program Elements
The major, essential, and/or fundamental organizational components through which a state department's mission is administered.

Recipient
An entity or person who is eligible for and/or receives services, financial aid or other benefits of a program.

Subject to Proper Placement
This designation signifies that a person is eligible for employment within specified performance parameters of a classification or job assignment.

APPENDIX B

LIST OF DEPARTMENTS HAVING FEDERAL REGULATIONS,

GUIDELINES, OR REQUIREMENTS

AUGUST 1981

The following federal departments have established regulations, requirements or guidelines that may be reviewed by securing copies of the appropriate Federal Register.

AGENCY	LOCATION		DATE PUBLISHED
	Federal Register	Code of Federal Regulations	
*ACTION	Vol. 44 #105 pg. 31018	45 CFR 1232	5/30/79
*Agency for International Development	Vol. 44 #83 pg. 24868	22 CFR 217	4/27/79
Civil Aeronautics Board	Vol. 44 #110 pg. 32401	14 CFR 382	6/6/79
*Community Services Administration	Vol. 46 # 5620	45 CFR 1012	1/19/81
Department of Agriculture	Vol. 44 #15 pg. 4620	7 CFR 15b	1/22/79
Department of Commerce	Vol. 43 #223 pg. 53765	15 CFR 15	11/17/78
Department of Defense	Vol. 44 #198 pg. 53750	32 CFR 56	10/11/79
*Department of Education	Vol. 42 #86 pg. 22676	34 CFR 104.3	5/9/80 Rev. 7/1/80
*Department of Energy	Vol. 45 #116 pg. 40514	10 CFR 1040	6/13/80
*Department of Health & Human Services	Vol. 42 #86 pg. 22676	45 CFR 84	5/4/77
Department of Housing & Urban Development	Vol. 43 #76 pg. 16652	24 CFR 8	4/19/78
Department of Interior	Vol. 45 #69 pg. 24074	43 CFR 17	4/8/80

* Indicates departments having regulations established as of August 1981.

Departments, continued

AGENCY	LOCATION		DATE PUBLISHED
	Federal Register	Code of Federal Regulations	
* Department of Justice	Vol. 45 #108 pg. 37620	28 CFR 42	6/3/80
* Department of Labor	Vol. 45 #196 pg. 66706	29 CFR 32	10/7/80
* Department of State	Vol. 45 pg. 69437	22 CFR 142	10/21/80
* Department of Transportation	Vol. 44 #106 pg. 31442	49 CFR 27	5/31/79
Department of Treasury** Office of Revenue Sharing	Vol. 46 #1120 pg. 77356	31 CFR 51	1/5/80
Environmental Protection Agency	Vol. 46 # 2306 pg. 14343	40 CFR 7	2/27/81
Equal Employment Opportunity Comm.	Vol. 44 #231 pg. 68482	29 CFR 1615	11/29/79
Federal Home Loan Bank Board	Vol. 43 #74 pg. 16190	12 CFR 529a	4/17/78
General Services Administration	Vol. 44 #211 pg. 62298	41 CFR 101-6	10/30/79
Interstate Commerce Commission	Vol. 43 #112 pg. 25152	49 CFR 1124	6/9/78
* Legal Services Corporation	Vol. 44 #187 pg. 55175	45 CFR 1624	9/25/79
* NASA	Vol. 44 #176 pg. 52680	14 CFR 1251	9/10/79
* National Endowment for the Arts and Humanities	Vol. 44 #75 pg. 22731	45 CFR 1151	4/17/79
National Science Foundation	Vol. 43 pg. 16518	45 CFR 614	4/19/78
* Nuclear Regulatory Commission	Vol. 45 # 46 pg. 14533	10 CFR 4	3/6/80

* Indicates departments having regulations established as of August 1981

** 6/16/81 - Postponed indefinitely 46 FR pg. 31409

AGENCY	LOCATION		DATE PUBLISHED
	Federal Register	Code of Federal Regulations	
*Small Business Administration	Vol. 44 #66 pg. 20068	13 CFR 113	4/4/79
*Tennessee Valley Authority	Vol. 45 #67 pg. 22893	18 CFR 1307	4/4/80
*Veterans Administration	Vol. 45 #187 pg. 63264	38 CFR 18	9/24/80
Water Resources Council	(Agency dissolved effective 9/30/81)		

* Indicates departments having regulations established as of August 1981